



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 15, 1996

Ms. Merri Schneider-Vogel  
Bracewell & Patterson, L.L.P.  
South Tower Pennzoil Place  
711 Louisiana Street, Suite 2900  
Houston, Texas 77002-2781

OR96-1132

Dear Ms. Schneider-Vogel:

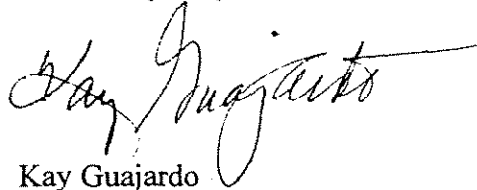
As counsel for the Lamar Consolidated Independent School District (the "school district"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100055.

The school district received a request for various information and seeks to withhold from required public disclosure "the written evaluations of Dr. Mike Zolkowski done by the individual members of the Board of Trustees along with Dr. Zolkowski's self-evaluation." Section 552.101 of the Government Code requires a governmental body to withhold from public disclosure information that is made confidential by law, including information that is deemed confidential by statute. Section 21.355 of the Education Code provides that "[a] document evaluating the performance of a teacher or administrator is confidential." For purposes of this provision, an "administrator" is a person who is required to hold and does in fact hold an administrator's certificate under subchapter B of chapter 21 of the Education Code, and who is performing the functions of an administrator, as that term is commonly defined, at the time of the evaluation. See Open Records Decision No. 643 (1996).

We assume Dr. Zolkowski is within the definition of "administrator" as set out above. Accordingly, the school district must withhold the evaluations from the public as information deemed confidential by law. Gov't Code § 552.101.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a long horizontal flourish extending to the right.

Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 100055

Enclosures: Submitted documents

cc: Ms. Susan D. Bankston  
1703 Magnolia Drive  
Richmond, Texas 77469  
(w/o enclosures)